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OF THE
IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-THIRD LEGISLATIVE DAY
WEDNESDAY, MARCH 23, 2005

Senate Chamber

President Risch called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Langhorst, Pearce, Stennett, Sweet, and Williams, absent and excused. [District 21 seat temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Daniel Grad, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 22, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Langhorst and Stennett were recorded present at this order of business.

March 23, 2005

The JUDICIARY AND RULES Committee reports that **S 1226**, **S 1227**, and **S 1228** have been correctly printed.

DARRINGTON, Chairman

S 1226 and **S 1227** were referred to the State Affairs Committee.

S 1228 was referred to the Health and Welfare Committee.

March 22, 2005

The JUDICIARY AND RULES Committee reports that **S 1034**, **S 1035**, **S 1036**, as amended, **S 1044**, as amended, **S 1080**, **S 1129**, **S 1130**, as amended, **S 1134**, **S 1135**, **S 1136**, as amended, **S 1154**, as amended, **S 1156**, **S 1161**, as amended, **S 1166**, **S 1169**, **S 1194**, **S 1195**, **SCR 116**, **SCR 117**, and **SJM 108** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1034**, **S 1035**, **S 1036**, as amended, **S 1044**, as amended, **S 1080**, **S 1129**, **S 1130**, as amended, **S 1134**, **S 1135**, **S 1136**, as amended, **S 1154**, as amended, **S 1156**, **S 1161**, as amended, **S 1166**, **S 1169**, **S 1194**, **S 1195**, **SCR 116**, **SCR 117**, and **SJM 108** and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1063**, as amended, **S 1120**, **S 1153**, **S 1181**, and **S 1185** were delivered to the Office of the Governor at 3:30 p.m., March 22, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 22, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 113** was delivered to the Office of the Secretary of State at 10:57 a.m., March 22, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 22, 2005

The FINANCE Committee reports out **H 352**, **H 355**, **H 356**, **H 357**, **H 358**, **H 359**, and **H 360** with the recommendation that they do pass.

CAMERON, Chairman

H 352, **H 355**, **H 356**, **H 357**, **H 358**, **H 359**, and **H 360** were filed for second reading.

March 22, 2005

The AGRICULTURAL AFFAIRS Committee reports out **H 174**, as amended, with the recommendation that it do pass.

WILLIAMS, Chairman

H 174, as amended, was filed for second reading.

March 22, 2005

The TRANSPORTATION Committee reports out **H 101**, as amended, and **H 322** with the recommendation that they do pass.

BRANDT, Chairman

H 101, as amended, and **H 322** were filed for second reading.

March 22, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 337** with the recommendation that it do pass.

ANDREASON, Chairman

H 337 was filed for second reading.

March 22, 2005

The EDUCATION Committee reports out **HCR 20** with the recommendation that it do pass.

GOEDDE, Chairman

HCR 20 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 23, 2005

The HEALTH AND WELFARE Committee reports out **S 1228** and **H 324** with the recommendation that they do pass.

COMPTON, Chairman

S 1228 and **H 324** were filed for second reading.

March 23, 2005

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Martha A. Calabretta to the Idaho Board of Environmental Quality, term to expire July 1, 2008;

Joan M. Cloonan to the Idaho Board of Environmental Quality, term to expire July 1, 2008.

COMPTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

The Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 22, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Terry T. Uhling of Boise, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2005, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Pearce and Sweet were recorded present at this order of business.

March 22, 2005

Mr. President:

I return herewith **S 1193** which has passed the House.

JUKER, Chief Clerk

S 1193 was referred to the Judiciary and Rules Committee for enrolling.

March 22, 2005

Mr. President:

I transmit herewith Enrolled **H 297**, **H 64**, **H 302**, and **H 309** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 297**, **H 64**, **H 302**, and **H 309** and ordered them returned to the House

March 22, 2005

Mr. President:

I return herewith Enrolled **S 1011**, **S 1076**, as amended, **S 1127**, **S 1131**, **S 1182**, **S 1184**, **S 1187**, and **SJM 107** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1011**, **S 1076**, as amended, **S 1127**, **S 1131**, **S 1182**, **S 1184**, and **S 1187** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SJM 107** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Williams was recorded present at this order of business.

On request by Senator Little, granted by unanimous consent, the State Affairs Committee report, relative to the Gubernatorial appointment of Judy Radin, retained its place on the calendar for one legislative day.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Lawrence V. Armacost was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Pearce, seconded by Senator Stegner, the Gubernatorial appointment of Lawrence V. Armacost as a member of the Idaho Water Resource Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 118** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Werk, **SCR 118** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HJM 6** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Richardson, seconded by Senator Davis, **HJM 6** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1229

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AMENDING SECTION 1, CHAPTER 138, LAWS OF 2004, TO REVISE SPENDING AUTHORITY BETWEEN PROGRAMS AND EXPENSE CLASSES FOR FISCAL YEAR 2004; DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT AND PROVIDING EFFECTIVE DATES.

S 1230

BY FINANCE COMMITTEE

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS FOR FISCAL YEAR 2006 TO STATE AGENCIES AND INSTITUTIONS FOR THE TWENTY-SEVENTH PAYROLL FOR STATE EMPLOYEES; AND STATING LEGISLATIVE INTENT TO RETURN UNUSED FUNDS TO THE ECONOMIC RECOVERY FUND.

S 1229 and **S 1230** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 213, **H 219**, **H 220**, **H 221**, and **H 238**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 280, **H 299**, **H 253**, and **H 215**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1220, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 265, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 188, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 282, by State Affairs Committee, was read the second time at length and filed for third reading.

H 277 and **H 319**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1172, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Gannon, granted by unanimous consent, **S 1172** was referred to the Fourteenth Order of Business, General Calendar.

S 1221 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 27.

NAYS--Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 7.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1221** passed, title was approved, and the bill ordered transmitted to the House.

S 1222 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1222** passed, title was approved, and the bill ordered transmitted to the House.

S 1223 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Gannon, Geddes,

Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 24.

NAYS--Andreason, Burkett, Darrington, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 10.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1223** passed, title was approved, and the bill ordered transmitted to the House.

S 1224 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Schroeder, seconded by Senator Burkett, that **S 1224** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Whereupon the President declared that the motion, by voice vote, did not prevail. The question being, "Shall **S 1224** pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 23.

NAYS--Andreason, Burkett, Coiner, Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 11.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1224** passed, title was approved, and the bill ordered transmitted to the House.

S 1225 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 23.

NAYS--Burkett, Darrington, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 9.

Absent and excused--Andreason, Stegner. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1225** passed, title was approved, and the bill ordered transmitted to the House.

The Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 127**, as amended, without amendment and without recommendation; and **S 1150, H 130**, as amended, **S 1170, S 1147, H 92, S 1191, S 1197, H 36, H 37**, and **H 254**, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1150

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 13 through 43 and delete page 2 and insert:

"67-2303. CONTRACTS. This section shall apply to all contracts for services except contracts for the delivery of research or educational services by public universities or colleges at a location outside the United States.

(1) All state agencies, departments, boards or commissions are prohibited from awarding a contract for services to a contractor who performs the services, or has the services performed, at a site outside the United States unless the services are so unique that they can only be performed outside the United States.

(2) Each vendor submitting a bid or contract to provide services for the state shall certify that the services covered by the bid or contract will be performed in the United States unless the services are so unique that they can only be performed outside the United States.

(3) The state agency, department, board or commission may bring a civil action to compel enforcement under this section. The court may award reasonable attorney's fees and costs to the agency, department, board or commission.

(4) For purposes of this section, a service shall be deemed to be unique if it is performed at a site outside the United States, if a significant and substantial economic cost factor exists that outweighs the economic impact of providing the services within the United States, such that a failure to use the vendor's services would result in economic hardship to the state of Idaho.

(5) A state agency, department, board or commission shall be exempt from the provisions of this section if it is provided with a letter from the vendor stating that it is the only source that can provide services and the services are so unique that they can only be performed outside the United States. There shall be a civil penalty not in excess of fifty thousand dollars (\$50,000) assessed against any person or entity who willfully misleads the state agency, department, board or commission under this section. The civil penalty shall be remitted to the general fund."

CORRECTION TO TITLE

On page 1, in line 5, following "TRACTS" insert: "FOR SERVICES"; and also in line 5, following "CONTRACT" insert: "FOR SERVICES"; in line 6, delete "OR SUBCONTRACTOR"; and also in line 6, delete "WORK" and insert: "SERVICES OR HAS THE SERVICES PERFORMED".

SENATE AMENDMENT TO H 130, As Amended

AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 24 through 28, and in line 29 following "(2)" insert: "Notwithstanding subsection (1) of this section, any person involved in a motor vehicle collision which is investigated by a law enforcement agency, that person's authorized legal representative and the insurer shall have a right to a complete, unaltered copy of the impact report, or its successors, and the final report prepared by the agency. (3)".

CORRECTION TO TITLE

On page 1, delete lines 3 and 4 and insert: "CODE, TO PROVIDE THAT ANY PERSON INVOLVED IN A MOTOR VEHICLE COLLISION WHICH IS INVESTIGATED BY A LAW ENFORCEMENT AGENCY, THAT PERSON'S AUTHORIZED LEGAL REPRESENTATIVE AND THE INSURER SHALL HAVE A RIGHT TO A COMPLETE, UNALTERED COPY OF THE IMPACT REPORT, OR ITS SUCCESSORS, AND THE FINAL REPORT PREPARED BY THE AGENCY."

SENATE AMENDMENTS TO S 1170

AMENDMENT TO SECTION 2

On page 2 of the printed bill, in line 49, delete "December" and insert: "September".

AMENDMENT TO SECTION 4

On page 6, delete lines 51 through 55; and on page 7, delete lines 1 through 26 and insert:

"(j) Admission procedures, including provision for overenrollment. Such admission procedures shall provide that the initial admission procedures for a new public charter school, including provision for overenrollment, will be determined by lottery or other random method, except as otherwise provided herein. If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; and third, an equitable selection process such as by lottery or other random method. If capacity is insufficient to enroll all pupils for subsequent school terms, who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; and fourth, an equitable selection process such as by lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available."

SENATE AMENDMENT TO S 1147

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 20, delete "." and insert: "; or

(4) A new position is created as the result of unanticipated student enrollment increases; or

(5) A school district certifies to the department of education that a sufficient pool of quality candidates for a position or positions was not available prior to August 1; or

(6) Other reasons as may be approved by the state department of education."

SENATE AMENDMENT TO H 92

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 19, delete "historical" and insert: "existing"; and in line 39, delete "historical" and insert: "existing".

SENATE AMENDMENT TO S 1191

AMENDMENTS TO SECTION 3

On page 6 of the printed bill, delete line 11, and insert:

"Taxidermist-Fur Buyer License

5 year license	35.00 175.00	125.00 N/A
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1 year license	38.25	139.00";
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and delete lines 43 through 45.

AMENDMENTS TO BILL

On page 1, delete lines 9 through 43; delete pages 2 and 3; on page 4, delete lines 1 through 28 and insert:

"SECTION 1. That Section 36-602, Idaho Code, be, and the same is hereby amended to read as follows:

36-602. LICENSE FEES -- EXPIRATION. (a) Resident Taxidermist and Fur Buyer's License. A fee as specified in section 36-416, Idaho Code, shall be charged for a resident taxidermist and fur buyer's license.

(b) Nonresident Taxidermist and Fur Buyer's License. Nonresidents shall pay an amount equal to that charged Idaho residents in the state of the applicant for the license. In cases where the state of the applicant requires more than one (1) license, the cost shall be the total of all licenses required of an Idaho resident to engage in similar activities in the state of the applicant. In no case shall this amount be less than the fee as specified in section 36-416, Idaho Code. The department shall promulgate rules implementing the provisions of this section.

(c) The expiration date for taxidermist and fur buyer's licenses shall be June 30 of the fifth year next following the date of issuance for five (5) year licenses and June 30 next following the date of issuance for one (1) year licenses."

CORRECTIONS TO TITLE

On page 1, in line 2, delete "36-104, IDAHO CODE, TO AUTHORIZE"; delete line 3; in line 4, delete "THE PURCHASE OF CONTROLLED HUNT BONUS OR PREFERENCE POINTS;" and insert: "36-602, IDAHO CODE, TO REVISE EXPIRATION PROVISIONS FOR TAXIDERMIST AND FUR BUYER'S LICENSES;"

SENATE AMENDMENT TO S 1197

AMENDMENTS TO SECTION 1

On page 2 of the printed bill, in line 20, following "Code" insert: ", constituting a felony"; in line 38, following "Code" insert: ", constituting a felony"; on page 3, delete lines 2 and 3; in line 4, delete "61" and insert: "60"; in line 6, delete "62" and insert: "61"; in line 44, following "Code" insert: ", constituting a felony"; and on page 4, in line 7, following "Code" insert: ", constituting a felony".

SENATE AMENDMENT TO H 36

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete line 22; in line 23, delete "resolutions, amendments, regulations, or rules," and insert: "(2) Ordinances"; in line 24, delete "is" and insert: "are"; and in line 27, following "facilities" insert: "or protecting the quality of ground water or surface water in accordance with applicable state and federal law".

CORRECTIONS TO TITLE

On page 1, in line 5, delete "LEGISLATION" and insert: "ORDINANCES"; and also in line 5, delete "IS" and insert: "ARE".

SENATE AMENDMENT TO H 37

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete line 22; in line 23, delete "resolutions, amendments, regulations, or rules," and insert: "(2) Ordinances"; in line 24, delete "is" and insert: "are"; and in line 28, following "ties" insert: "or protecting the quality of ground water or surface water in accordance with applicable state and federal law".

CORRECTIONS TO TITLE

On page 1, in line 5, delete "LEGISLATION" and insert: "ORDINANCES"; and also in line 5, delete "IS" and insert: "ARE".

SENATE AMENDMENT TO H 254

AMENDMENT TO SECTION 2

On page 1 of the printed bill, delete lines 20 through 42, delete page 2 and on page 3 delete lines 1 through 13 and insert:

"63-602FF. PARTIAL EXEMPTION FOR PARCELS OF LAND IN A RURAL RESIDENTIAL SUBDIVISION PLAT. (1) Each parcel of land in a rural residential subdivision plat located in a county with a population of one hundred thousand (100,000) or less as determined by the state department of commerce and labor, that was approved and recorded in 2004 or thereafter, and each parcel of land granted an exemption in 2002, 2003 or 2004 pursuant to section 63-602FF, Idaho Code, as such was codified for 2002, 2003 and 2004 shall be eligible for the following exemption from property taxation:

(a) Beginning January 1 of the year following rural residential subdivision plat approval and recordation, or 2005, whichever is later, and continuing for fourteen (14) additional consecutive years, the exemption from full market value for assessment purposes shall be ninety-five percent (95%);

(b) On January 1 of the fifteenth year following rural residential subdivision plat approval and recordation, or 2005, whichever is later, the exemption from full market value for assessment purposes ceases to exist and thereafter the property shall be valued for assessment purposes at full market value.

(c) When the population of the county exceeds one hundred thousand (100,000) the exemption ceases to exist.

(2) Any parcel eligible for the exemption pursuant to section 63-602FF, Idaho Code, as such was codified for 2002, 2003 and 2004, and upon which an application for such exemption was submitted to the county in 2002, 2003 or 2004, but appealed to and denied by the county board of equalization, shall be eligible for the exemption pursuant to this section. For such parcels, the fifteen (15) year limitation for the maximum duration of this exemption begins with tax year 2005.

(3) Each parcel in such rural residential subdivision plat shall continue to be eligible for the exemption provided in this section until:

- (a) The parcel is sold; or
- (b) Any improvement is built on the parcel; or
- (c) The parcel is annexed into a city; or
- (d) December 31, 2007, in the event that three (3) or fewer

lots were purchased by a single person prior to January 1, 2005. When any one (1) of these events occurs, the parcel shall lose the exemption in the immediately following tax year.

(4) Prior to receiving the exemption, the owner must file a one (1) time application for approval with the county assessor by April 15 of the first year for which the exemption is claimed, identifying the parcels for which the exemption is claimed and certifying that he is the owner of said parcels. Provided however, a purchaser of four (4) or more lots who is not using the lots for his residential or recreational purposes, shall make application annually with the county assessor and will be granted the exemption allowed by this section, if qualified, for the year of application, but the total number of years of exemption shall not exceed fifteen (15) years for both the purchaser and the original owner of the parcels and the purchaser attests to those facts, under penalty of perjury, to the county assessor and files the same with the assessor. Failure to make annual application shall prohibit future eligibility for this exemption.

(5) Recovery of property tax exemptions allowed by this section due to the exemption being improperly claimed or approved for whatever reason shall be as follows:

(a) The taxpayer may appeal to the board of county commissioners the decision by the county assessor to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(b) The county assessor shall assess improperly exempted value for each year the exemption allowed by this section was improperly claimed or approved up to the lesser of a maximum of fourteen (14) years or until the property lost this exemption pursuant to subsection (3) of this section. The amount of the recovery of property tax shall be calculated using the product of the amount of improperly exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year.

(c) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(d) Any unpaid recovered property taxes shall become a lien upon the real property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section.

(e) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(6) For purposes of this section, the following definitions shall apply:

(a) "Improvement" means any development of a parcel which requires the issuance of a permit by the state of Idaho or the county of jurisdiction, provided such development is to an individual parcel rather than to the rural residential subdivision as a whole.

(b) "Owner" means the entity holding title to the property or in possession under a sale contract at the time the rural residential subdivision plat was approved and recorded.

(c) "Parcel" means a lot in a rural residential subdivision plat.

(d) "Plat" means the drawing, map or plan of a subdivision or a replatting of such, including certifications, descriptions and approvals.

(e) "Rural" means outside city boundaries as described in the documents filed with the state tax commission pursuant to section 63-215, Idaho Code.

(f) "Sold" means a transfer of title has occurred from the owner to another entity, except in the event of the first transfer to a spouse or child or in the event of the first transfer of four (4) or more lots of the platted subdivision to a purchaser who will not use the lots for his residential or recreational purposes.

(7) The legislature declares that this exemption is necessary and just."

The Committee also has **H 150, H 281, H 145**, as amended, **H 272, S 1173, H 202, H 110**, as amended, and **S 1172** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

S 1150, as amended, **S 1170**, as amended, **S 1147**, as amended, **S 1191**, as amended, and **S 1197**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 130, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, and **H 254**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 127, as amended, was referred to the Twelfth Order of Business, Second Reading of Bills.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:45 p.m. until the hour of 2:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 2:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Schroeder and Sweet, absent and excused. [District 21 seat temporarily vacant.]

Senators Schroeder and Sweet were recorded present at this order of business.

Prior to recess the Senate was at the Fourteenth Order of Business, General Calendar.

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 281**, **H 145**, as amended, **H 272**, **S 1173**, and **H 110**, as amended, without recommendation, amended as follows:

SENATE AMENDMENT TO H 281

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 9, delete "new land uses" and insert: "irrigation"; in line 11, following "where" insert: "reasonably"; and also in line 11, delete "and"; in line 12, delete "other authorized purposes"; and also in line 12, following "deemed" insert: "reasonably"; in line 23, delete "The proposed use of surface water from" and insert: "Consistent with sections 42-108 and 42-222, Idaho Code, any change in the nature of use of surface water provided by"; in line 28, delete "new"; delete lines 29 through 35, and insert: "irrigation"; following line 35, insert:

"(3) Nothing in this section shall be construed to override or amend any provision of title 42 or 43, Idaho Code, or impair any rights acquired thereunder"; and in line 36, delete "3" and insert: "4".

CORRECTION TO TITLE

On page 1, in line 3, delete "NEW LAND"; and delete line 4, and insert: "IRRIGATION".

SENATE AMENDMENTS TO H 145, As Amended

AMENDMENTS TO SECTION 1

On page 1 of the engrossed bill, delete lines 18 through 21 and insert:

"(2) "Attainable" beneficial uses means uses that can be achieved by the implementation of required effluent limits for point sources and cost-effective and reasonable best management practices for nonpoint sources"; in line 28, delete "and" and "feasible control strategies" mean actions" and insert: "means cost-effective actions in TMDL implementation plans"; on page 4, in line 4, delete "director and" and insert: "director with the advice of"; and also in line 4 delete "determine" and insert: "determines"; delete lines 15 through 22 and insert: "water quality standards"; in line 23, delete "32" and insert: "31"; in line 29, delete "33" and insert: "32"; in line 36, delete "34" and insert: "33"; in line 37, following "uses" insert: ", and an antidegradation policy"; and in line 38, delete "5" and insert: "4".

AMENDMENTS TO SECTION 2

On page 5, delete lines 35 and 36 and insert:

"(e) Pollution control strategies for both point sources and nonpoint sources; for reducing those sources of pollution"; in line 38, delete "feasible" and insert: "pollution"; delete lines 44 through 48 and insert: "to have met the requirements of this section"; in line 51, following "causing" insert: "or contributing to"; on page 6, in line 11, following "processes" insert: "to determine whether"; in line 17, delete "Providing" and insert: "Upon request, providing"; also in line 17, following "information"

insert: "in the possession of the department"; in line 26, delete "the opportunity" and insert: "an adequate opportunity"; in line 28, following "assessment" insert: "and to suggest changes to the documents"; in line 30, delete "by" and insert: "to"; and following line 39, insert:

"(10) Nothing in this section shall be interpreted as requiring best management practices for agricultural nonpoint source activities which are not adopted on a voluntary basis, nor shall this section be interpreted to relieve any person from the responsibility to comply with the Idaho forest practices act".

AMENDMENTS TO SECTION 3

On page 6, in line 42, delete "(1)" and insert: "Basin advisory groups shall identify representatives of the industries and other interests affected by the management of water quality within a watershed who are prospective members of an advisory group for the watershed and shall advise the director of their findings"; also in line 42, delete "with" and insert: "with upon"; in line 52, delete "39-3611(6)" and insert: "39-3611(8)"; on page 7, in line 2, delete "(2)"; in line 6, following "change" insert: "or remove"; also in line 6, following "the standards" insert: "that are shown by the assessment to be unattainable or inappropriate"; in line 8, delete "(3)"; and delete lines 11 through 21 and insert: "include a representative from each of the following: agriculture, mining, point source dischargers, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, environmental interests and the land managing or regulatory agencies with an interest in the"; and in line 24, delete "(4)".

SENATE AMENDMENT TO H 272

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 8 through 43, delete page 2 and insert:

"SECTION 1. That Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2727, Idaho Code, and to read as follows:

37-2727. WHOLESALER RESPONSIBILITY -- PSEUDOEPHEDRINE. (1) Every wholesaler registered with the board of pharmacy pursuant to section 37-2716, Idaho Code, who distributes single entity pseudoephedrine or any other pseudoephedrine containing products included by the board pursuant to subsection (2) of this section, shall provide the board with complete records on their sales as follows:

(a) A monthly report must be submitted no later than the twentieth day of the month immediately following the month in which the distribution takes place;

(b) The report must include a listing of all retail vendors to whom a product was sold, the name of the proprietary product(s), package size(s), date shipped and quantity shipped.

(c) The board may assess an administrative penalty not to exceed one hundred dollars (\$100) for a first offense, five hundred dollars (\$500) for a second offense within two (2) years and one thousand dollars (\$1,000) for a third offense within three (3) years.

(2) The board of pharmacy, by rule, may include for tracking purposes compounds, mixtures, or preparations containing pseudoephedrine or its salts, isomers or salts of isomers in combination with other active ingredients if the product is determined to have been formulated in such a way as to be effective for conversion of an active ingredient into methamphetamine."

CORRECTION TO TITLE

On page 1, delete lines 2 through 6 and insert:

"RELATING TO CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2727, IDAHO CODE, TO PROVIDE FOR WHOLESALER REPORTS FOR PRODUCTS CONTAINING PSEUDOEPHEDRINE, TO PROVIDE ADMINISTRATIVE PENALTIES AND TO PROVIDE RULES BY THE BOARD OF PHARMACY REGARDING PRODUCTS CONTAINING PSEUDOEPHEDRINE THAT MAY BE CONVERTED INTO METHAMPHETAMINE."

SENATE AMENDMENT TO S 1173

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 12, delete "certif."; in line 13, delete "icated and" and insert: "~~certificated and~~"; in line 14, delete "work" and insert: "works"; and also in line 14, following "week" insert: "or certificated employee who works half time or more per week for a school district, including charter districts,"; in line 16, delete "propor-"; in line 17, delete "tionate to the average hours worked per day," and insert: "as projected for the employment year"; in line 19, following "chapter." insert: "Sick leave for noncertificated employees shall be calculated proportionate to the average hours worked per day. Sick leave for certificated employees shall be calculated by the day, or percentage thereof, as defined in their individual employment contracts.".

CORRECTIONS TO TITLE

On page 1, in line 6, delete "CERTIFICATED AND"; in line 7, following "WEEK" insert: "AND CERTIFICATED EMPLOYEES OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO REGULARLY WORK HALF TIME OR MORE".

SENATE AMENDMENTS TO H 110, As Amended

AMENDMENTS TO SECTION 1

On page 1 of the engrossed bill, delete lines 12 through 22 and insert: "TRICITY. (1) Purchasers of machinery and equipment used directly in generating electricity using fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun or landfill gas as the principal source of power may qualify for a rebate of sales or use taxes paid on such purchases but only if the purchaser develops with such machinery, equipment, and tangible personal property a facility capable of generating not less than twenty-five (25) kilowatts of electricity."

On page 2, following line 14 insert:

"(3) To qualify for the rebate, the taxpayer and his contractors must pay sales and use tax on their purchases of property. Once a public utility, a cooperative, a municipality or the public utilities commission certifies the project will generate at least twenty-five (25) kilowatts of electricity, the taxpayer may file a refund request with the state tax commission. The refund request shall state that the taxpayer will construct or has constructed a project that will generate sufficient kilowatts of electricity at the project site to be eligible for the rebate and that the taxpayer is entitled to receive a rebate of all sales and use taxes paid that qualifies for the rebate created by this section.

(4) Upon filing of a written refund claim by the taxpayer entitled to the rebate, and subject to such reasonable documentation and verification as the state tax commission may require, the rebate shall be paid by the state tax commission as a refund allowable under section 63-3626, Idaho Code. A claim for

rebate under this section must be filed on or before the last day of the third calendar year following the year in which the taxes sought to be rebated were paid or the right to the rebate is lost.

(5) Any rebate paid shall be subject to recapture by the state tax commission. In the event the property is not used, stored or otherwise consumed in the process of generating electricity for a period of sixty (60) months, the state tax commission may recapture the tax paid in the same proportion as an amount of credit required to be recaptured under section 63-3029B, Idaho Code.

(6) Any recapture amount due under this section shall be a deficiency in tax for the period in which the disqualification first occurs for purposes of section 63-3629, Idaho Code, and may be enforced and collected in the manner provided by the Idaho sales tax act, provided however, that in lieu of the provisions of section 63-3633, Idaho Code, the period of time within which the commission may issue a notice under section 63-3629, Idaho Code, in regard to an amount subject to recapture shall be the later of five (5) years after the end of the taxable year, for income tax purposes, in which the project period ends."

CORRECTION TO TITLE

On page 1, delete lines 4 through 6 and insert: "AND USE TAX REBATE FOR THE SALE OR USE OF MACHINERY AND EQUIPMENT USED IN ALTERNATIVE METHODS OF GENERATION OF ELECTRICITY, TO DEFINE TERMS AND TO PROVIDE PROCEDURES; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE."

The Committee also has **H 150**, **H 202**, and **S 1172** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

S 1173, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 281, as amended in the Senate, **H 145**, as amended, as amended in the Senate, **H 272**, as amended in the Senate, and **H 110**, as amended, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

H 343 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 343** passed, title was approved, and the bill ordered returned to the House.

H 344 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 33.

NAYS--Werk. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 344** passed, title was approved, and the bill ordered returned to the House.

H 345 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 345** passed, title was approved, and the bill ordered returned to the House.

H 346 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 346** passed, title was approved, and the bill ordered returned to the House.

H 347 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 27.

NAYS--Andreason, Burkett, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 7.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 347** passed, title was approved, and the bill ordered returned to the House.

H 348 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Andreason. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 348** passed, title was approved, and the bill ordered returned to the House.

S 1192 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1192** passed, title was approved, and the bill ordered transmitted to the House.

S 1217 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1217** passed, title was approved, and the bill ordered transmitted to the House.

S 1122, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1122**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

H 85, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Coiner, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 27.

NAYS--Andreason, Cameron, Darrington, Williams. Total - 4.

Absent and excused--Burkett, Compton, Little. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 85**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 49, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Sweet. Total - 1.

Absent and excused--Compton, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 49**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 23 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Richardson, Williams. Total - 2.

Absent and excused--Compton, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 23** passed, title was approved, and the bill ordered returned to the House.

H 249 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 249** passed, title was approved, and the bill ordered returned to the House.

H 247, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Corder, Darrington, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 27.

NAYS--Cameron, Davis, Geddes, Pearce, Sweet. Total - 5.

Absent and excused--Compton, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 247**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 203, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 203**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 207 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 207** passed, title was approved, and the bill ordered returned to the House.

H 208, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington,

Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 208**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 70 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 70** passed, title was approved, and the bill ordered returned to the House.

H 17 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 17** passed, title was approved, and the bill ordered returned to the House.

H 88 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 88** passed, title was approved, and the bill ordered returned to the House.

H 72 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai

arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 72** passed, title was approved, and the bill ordered returned to the House.

H 73 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 73** passed, title was approved, and the bill ordered returned to the House.

H 74 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 74** passed, title was approved, and the bill ordered returned to the House.

H 161 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

Whereupon the President declared **H 161** passed, title was approved, and the bill ordered returned to the House.

H 135 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 135** passed, title was approved, and the bill ordered returned to the House.

H 234 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 234** passed, title was approved, and the bill ordered returned to the House.

H 162 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 162** passed, title was approved, and the bill ordered returned to the House.

H 283 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 283** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:35 p.m. until the hour of 9 a.m., Thursday, March 24, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary